

-FILED-

U.S.

APR 08 2021

Case No.

V.

At
ROBERT N. TRGOVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

2:19-CR-0140

Michael Christianson

Defendant's First Motion In Limine
(Excluding the Book "Show Me!" as illegal
child pornography)

Defendant, pro se, and for its Motion in
Limine to Exclude testimony that the book
"Show me!" is illegal child pornography
States as follows:

Defendant is charged in this matter, in
a two(2) Count Indictment with the Sex-
ual exploitation of Children under 18 USC
§ 2252(a)(1)(Transportation of material) and
18 USC § 1462 (Transportation of obscene
matter). Based on the April 1, 2021,
hearing and the items seized pursuant
to a search warrant on August 8, 2019,
under Case No. ~~2:19-MJ-184~~ 2:19-MJ-184, the
Defendant believes that the government

intends to allege that the seized book "Show Me!" is unlawful child pornography.

One Court, *U.S. v. Byrd*, 31 F.3d 1329 (5th Cir 1994) at fn 10 describes "Show Me!" as such:

"The 'Show Me!' book is an English language edition of a German Sex Education text. It is obtainable legally at libraries in the United States, although it contains photographs which technically meet the legal definition of child pornography under 18 U.S.C. § 2252 and 2255 (now 2256)..."

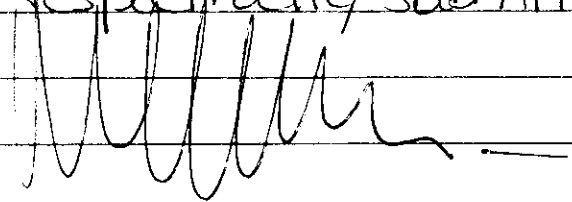
The book "Show Me!" is one of the numerous physical books the government seized during the execution of a Search Warrant on August 8, 2021, (See, Case No. 2:19-MJ-184, Form FD-597 (Receipt for Property Received, Item #13)). On February 28, 2021, the Defendant viewed the book at Suite 1500, 5400 Federal Plaza, Hammond, IN 46320.

For example, on one page the book contains a visual depiction of a young boy presenting with a turgid penis. (The Defendant requests that the government provide the book for a hearing on this issue.)

The Book "Show Me!" is not obscenity and is not illegal child pornography. The book is protected by the U.S. Constitution, First Amendment. See: New York v. Ferber, 458 U.S. 747 (1982) (establishing the Ferber Test for Child pornography). This book in no way bears on a relevant issue in the government's case before the jury but will be used by the Defendant to show the jury, by way of demonstration, the types of materials the Defendant investigated and used to make a reasonable and informed decision about the nature and character of visual depictions deemed suitable for publication and First Amendment protection.

WHEREFORE, the Defendant prays this Honorable Court grant the Motion in Limine and bar the government defense witnesses, or the government on cross-examination, from testifying or alluding to the book "Show Me!" as being illegal Child pornography or obscene matter.

Respectfully Submitted,



Michael Christianson

18031-027

MCC - Chicago

71 W. Van Buren St.

Chicago, IL 60605

Certificate

I hereby Certify, that on April 5, 2021,
I placed the foregoing Motion in the
MCC-Chicago Institutional legal Mail
System with Sufficient First Class postage
affixed and prepaid and properly ad-
dressed to:

~~Kelley Molly, AUSA
U.S. Atty's Office
Suite 1500
5400 Federal Plaza
Hammond, IN 46320~~

Clerk of Court
Federal Dist. Court
Suite 2300
5400 Federal Plaza
Hammond, IN 46320